REMARKS

This is a full and timely response to the outstanding Non-Final Office Action mailed July 26, 2005. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

1. Present Status of Patent Application

Upon entry of the amendments in this response, claim 1 and claims 4-23 remain pending in the present application. More specifically Claim 10 is directly amended and Claim 3 is canceled without prejudice, waiver or disclaimer. It is believed that this response adds no new matter to the present application.

2. Response To Claim Objections

The Office Action objects to the numbering of claims. With respect to this objection, the Office Action states: "Claim 3 is listed both as (Cancelled) and as a (New) claim...." Office Action, page 2.

Claim 3 is canceled by this response. Applicants respectfully submitted that this renders the claim objections moot and, therefore, the objection to the claims should be withdrawn.

3. Response To Claim Rejection Under 35 U.S.C. Section 102

The Office Action indicates that claims 1, 3-4, 7-8, 10-15 and 17 are rejected under 35 U.S.C. §102(e) as being anticipated by Maekawa.

Applicants respectfully traverse this rejection.

MPEP 2131 provides:

Appl. No. 09/712,308   (6)
Attorney Docket no. 10007660-1

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"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Examiner's Statement

With respect to the 102 rejection, the Examiner states, in part:

" Re claims 1, 4, 7-8, 10-13, 15 and 17, Maekawa et al discloses... an arrangement in which a computer sends instructions to a printer which are executed by the printer to carry out print jobs (in which the printer generates a hard copy representation of data representing an image), and the printer sends instructions which are executed by the by the computer to generate the display of a print status page." Examiner's Office Action, page 3.

Applicants submit the following with respect to the Examiner's statement quoted above:

1. Nowhere does Maekawa describe a printer that transmits **executable instructions** to a computer.

2. Maekawa may disclose a computer that sends instructions **to** a printer to carry out print jobs. Applicants note, however, that this is irrelevant as to whether Maekawa anticipates the rejected claims. Claim 1 and Claim 4 of the Application, for example, are directed to executable instructions that are transmitted *from* the printer **to** a computer.

Appl. No. 09/712,308 (7)
Attorney Docket no. 10007660-1

102 rejection of Claim 1

Independent 1 states (emphasis added):

1. In a computer, a method of providing a print status, comprising:

    (a) **receiving a set of executable instructions from a printer, the instructions executable by the computer to cause the computer to display a print status page based upon dynamic input received from the printer printing a print job received from the computer; and**

    (b) **executing the instructions so as to generate the print status page.**

It is respectfully submitted that nowhere does Maekawa disclose a computer that receives executable instructions from a printer to cause the computer to display a print status page. Accordingly, Maekawa does not anticipate the features in claim 1 highlighted above.

In a section cited by the Examiner, Maekawa states (emphasis added):

*"Also the printer controller 103 transmits the **changed status** to a **utility software** on the external device 101, through the network.*

*"An unrepresented **utility software** is present on the external device 101 and, in response to the reception of the status from the printer controller 103, **executes** a responsive operation for example on the display of the external device 101."*

Maekawa at column 7, lines 9-16.

In this section cited by the Examiner, Maekawa uses the phrase "changed status" and the phrase "utility software".

It is respectfully submitted that Maekawa is using the phrase "changed status" in order to refer to status **information** that is transmitted from the printer controller 102 to the external device 101.

Appl. No. 09/712,308   (8)
Attorney Docket no. 10007660-1

Maekawa is **not** using the phrase "changed status" to refer to a set of **executable instructions**.

It is respectfully submitted that Maekawa's utility software *does* refer to a set of executable instructions. There is no indication, however, that Maekawa's utility software is transmitted from the printer to the external device 101.

Moreover, nowhere does Maekawa disclose the Claim 1 steps of receiving, from a printer, a set of executable instructions that is executable to display a print status page.

Accordingly, it is respectfully submitted that the Maekawa does not anticipate the elements of claim 1 highlighted above and for this reason alone the rejection should be withdrawn.

102 rejection of Claim 3

Claim 3 is canceled by this response.

102 rejection of Claim 4

If independent claim 1 is not disclosed by Maekawa then its dependent claim 4 is also not disclosed because this claim contains all features/elements/steps of independent claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

In addition, claim 4 further recites (emphasis added):

> 4. The method of claim 1,
>   **wherein the set of executable Instructions is further executable by the computer to generate and to then transmit a print job to the printer; and**
>   **wherein the method further comprises:**

Appl. No. 09/712,308   (9)
Attorney Docket no. 10007660-1

prior to executing the instructions to generate the print status page, executing the instructions so as to generate and to transmit the print job to the printer.

It is respectfully submitted that nowhere does Maekawa disclose a computer that receives executable instructions from a printer to cause the computer to display a print status page AND to generate a print job.

Accordingly, Maekawa cannot disclose the claim 4 elements highlighted above.

The Examiner appears to take the position that Maekawa anticipates the elements of claim 4 because Maekawa discloses a computer that sends instructions to a printer to "carry out print jobs".

As previously indicated, however, this disclosure is irrelevant as to whether Maekawa anticipates claim 4 as claim 4 is directed to executable instructions that are transmitted from the printer to a computer.

Accordingly, Maekawa does not anticipate claim 4, and the rejection should be withdrawn.

102 rejection of Claim 7

Independent 7 states:

7. In a client server system that includes a server connected to a client, a method comprising:
    (a) transmitting, by the server, a set of executable instructions to a client, where the set of executable instructions is an agent of a particular printer;
    (b) receiving, by the client, the set of instructions;
    (c) executing, by the client, the set of instructions to:
        generate a print job;
        transmit the print job to the printer;

Appl. No. 09/712,308   (10)
Attorney Docket no. 10007660-1

display a print status page as the printer prints the print job, where the print status page describes a present status of the print job while the printer prints the print job.

It is respectfully submitted that nowhere does <u>Maekawa</u> disclose a server that transmits **executable instructions** to a client that the client executes to generate a print job, transmit a print job to the printer **AND** to display a print status page.

Accordingly, <u>Maekawa</u> does not anticipate claim 7, and the rejection should be withdrawn.

102 rejection of Claim 8

If independent claim 7 is not disclosed by <u>Maekawa</u> then its dependent claim 8 is also not disclosed because this claim contains all features/elements/steps of independent claim 7. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

In addition, claim 8 further recites (emphasis added): The method of claim 7, **wherein the printer comprises the server.**

It is respectfully submitted that nowhere does <u>Maekawa</u> disclose a printer that incorporates a server that transmits executable instructions to a client.

Accordingly, <u>Maekawa</u> does not anticipate claim 8 for this additional reason, and the rejection should be withdrawn.

102 rejection of Claim 10

If independent claim 7 is not disclosed by <u>Maekawa</u> then its dependent claim 10 is also not disclosed because this claim contains all features/elements/steps of independent claim 7. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

In addition, claim 10 further recites (emphasis added):

Appl. No. 09/712,308   (11)
Attorney Docket no. 10007660-1

10.   The method of claim 7, wherein executing the set of instructions causes the client to:

generate a generic access request to retrieve a set of data that describes an image; and

use the retrieved set of data to generate the print job.

It is respectfully submitted that nowhere does Maekawa disclose a set of executable instructions that causes the client to generate a **generic access request** to retrieve a set of data that describes an image.

As defined in the Application, a "generic access request" does not include the location of the target data that is to be accessed by the client in response to the request.

Accordingly, Maekawa does not anticipate claim 10 for this additional reason, and the rejection should be withdrawn.

It is also respectfully submitted that nowhere does Maekawa disclose a set of executable instructions that causes the client to generate a **generic access request** to retrieve a set of data that describes an image AND use the retrieved set of data to generate a print job.

Accordingly, Maekawa does not anticipate claim 10 for this additional reason, and the rejection should be withdrawn.

102 rejection of Claim 11

Independent 11 states:

11. In a computing system that includes a computer connected to a printer, a method comprising:

(a) receiving, by the printer, a request from the computer;

Appl. No. 09/712,308   (12)
Attorney Docket no. 10007660-1

(b) responding, by the printer, to the request by transmitting a set of instructions to the computer;

wherein the set of instructions enables the computer to generate and to then transmit a print job to the printer;

wherein the set of instructions further enables the computer to display a print status page while the printer is printing the print job;

wherein the print status page indicates a present status of the print job while the printer prints the print job.

It is respectfully submitted that nowhere does Maekawa discloses a printer that can transmit executable instructions to a computer that enables the computer to generate AND to then transmit a print job to the printer.

Additionally, nowhere does Maekawa disclose a printer that transmits executable instructions to a computer that enables the computer to display a print status page.

Accordingly, Maekawa does not disclose any of the claim 11 elements highlighted above.

Accordingly, Maekawa does not anticipate claim 11, and the rejection should be withdrawn.

102 rejection of Claim 12

If Independent claim 11 is not disclosed by Maekawa then its dependent claim 12 is also not disclosed because this claim contains all features/elements/steps of independent claim 11. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

In addition, claim 12 further recites (emphasis added):

12. The method of claim 11,
   (c) receiving, by the computer, the set of instructions;
   (d) executing, by the computer, the set of instructions to:
      (i) generate and transmit a print job to the printer; and

Appl. No. 09/712,308   (13)
Attorney Docket no. 10007660-1

(ii) **display a print status page while printer is printing the print job.**

It is respectfully submitted that nowhere does <u>Maekawa</u> disclose a computer that executes executable instructions that were received <u>from a printer</u> to generate and transmit a print job to the <u>same</u> printer.

Additionally, it is respectfully submitted that nowhere does <u>Maekawa</u> disclose a computer that executes executable instructions that were received <u>from a printer</u> to display a print status page.

Accordingly, <u>Maekawa</u> does not disclose any of the claim 12 elements highlighted above.

Accordingly, <u>Maekawa</u> does not anticipate claim 12, and the rejection should be withdrawn.

102 rejection of Claims 13

With respect to Claim 13, arguments similar to those provided above In conjunction with claim 1 apply.

Accordingly, <u>Maekawa</u> does not anticipate Claim 13 and the rejection should be withdrawn.

102 rejection of Claims 14

If independent claim 13 is not disclosed by <u>Maekawa</u> then its dependent claim 14 is also not disclosed because this claim contains all features/elements/steps of independent claim 13. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Appl. No. 09/712,308   (14)
Attorney Docket no. 10007660-1

102 rejection of Claims 15

If independent claim 13 is not disclosed by <u>Maekawa</u> then its dependent claim 15 is also not disclosed because this claim contains all features/elements/steps of independent claim 13. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Additionally, arguments similar to those provided above in conjunction with claim 4 apply.

Accordingly, <u>Maekawa</u> does not anticipate Claim 15 and the rejection should be withdrawn.

102 rejection of Claims 17

If independent claim 13 is not disclosed by <u>Maekawa</u> then its dependent claim 17 is also not disclosed because this claim contains all features/elements/steps of independent claim 13. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Additionally, claim 17 recites (emphasis added): **wherein the printer comprises means for serving the set of executable instructions to the client upon receiving a request from the client.**

It is respectfully submitted that nowhere does <u>Maekawa</u> disclose a <u>printer</u> that includes a means for serving a set of executable instructions to a client.

Accordingly, <u>Maekawa</u> cannot disclose the claim 17 element highlighted above and for this additional reason, the rejection should be withdrawn.

4. Response To Claim Rejection Under 35 U.S.C. Section 103

The Office Action indicates that claims 5-6, 9, 16 & 18-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over <u>Maekawa</u>.

Appl. No. 09/712,308   (15)
Attorney Docket no. 10007660-1

103 rejection of Claim 5 and Claim 6

Nowhere does Maekawa teach or suggest the elements of claim 1. Accordingly, Maekawa cannot teach or suggest claim 5 or claim 6 for at least the reason that these two claims depend from claim 1.

Accordingly, the 103 rejection of claim 5 and claim 6 should be withdrawn.

103 rejection of Claim 9

Nowhere does Maekawa teach or suggest the elements of claim 7. Accordingly, Maekawa cannot teach or suggest claim 9 for at least the reason that these two claims depend from claim 7.

Accordingly, the 103 rejection of claim 7 should be withdrawn.

103 rejection of Claim 16 and 18

Nowhere does Maekawa teach or suggest the elements of claim 13. Accordingly, Maekawa cannot teach or suggest claims 16 and 18 for at least the reason that these two claims depend from claim 13.

Accordingly, the 103 rejection of claims 16 and 18 should be withdrawn.

103 rejection of Claims 19-23

Independent claim 19 states (emphasis added):

Appl. No. 09/712,308   (16)
Attorney Docket no. 10007660-1

19. A computer, comprising:

an I/O port;

means for serving a set of executable instructions over the I/O port to a
client device in response to receiving a request from the client;

wherein the set of executable instructions is an agent of a particular printer;

wherein the set of executable instructions enable the client to display a Web
Page that indicates a status of a print job presently being printed by the printer.

Nowhere does Maekawa teach or suggest at least the elements of claim 19 highlighted
above. Nowhere, for example, does Maekawa teach or suggest serving a set of executable
instructions that enables a client device to display any type of WEB page.

Accordingly, Maekawa cannot teach or suggest either claim 19 or the claims that depend
(directly or indirectly) from claim 19.

Accordingly, the 103 rejection of claims 19-23 should be withdrawn.
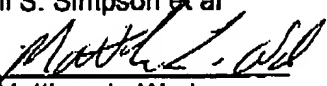
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above,
Applicant respectfully submits that all objections and/or rejections have been traversed,
rendered moot, and/or accommodated, and that the now pending claim is in condition for
allowance. Favorable reconsideration and allowance of the present application and all
pending claims are hereby courteously requested. If, in the opinion of the Examiner, a
telephonic conference would expedite the examination of this matter, the Examiner is invited to
call the undersigned attorney at (208) 396-5263.

Respectfully submitted,

Shell S. Simpson et al

Date: _11-28-05_   By: _____

Matthew L. Wade
Reg. No. 42,206

Appl. No. 09/712,308   (17)
Attorney Docket no. 10007660-1